

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert Holt et al.
Ser. No. : 10/674,882
Filed : September 30, 2003
For : INSPECTION AND TESTING INDICATOR
Art Unit : 2833
Examiner : Vit W. Miska
Docket No.: 180825.00047

RESPONSE TO REQUIREMENT FOR INFORMATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the Requirement for Information mailed on February 4, 2009. The Applicants now list, verbatim, the interrogatories made by the examiner with a corresponding response to each. For ease of reference, the Applicants will refer to the present patent application (USSN 10/674,882) as the "Holt patent application" and U.S. Pat. 7,263,037 (USSN 11/325,052) as the "Haas patent".

1. The assignment details of this application at the time of filing.

Please refer to the "Revocation of Attorney and Status Request" made by Applicants on December 1, 2005 and which is of record.

An assignment was executed by the inventors on August 1, 2002 assigning the provisional patent application and the entire right, title and interest, all rights to claim priority, and any and all improvements which are disclosed in the provisional patent application to Temtec, Inc. (recorded with the USPTO Assignment Division on October 1, 2002 at Reel 013347, Frame 0857).

Subsequently, Temtec Inc. merged into Brady Worldwide, Inc. on January 1, 2003. This merger is also recorded with the USPTO assignment division on September 16, 2005 at Reel 016987, Frame 0663.

Thus, to the best of Applicants' knowledge, at the time of filing the provisional application, October 1, 2002, the application was assigned to Temtec, Inc. However, at the time of filing of the non-provisional application, September 30, 2003, the application was owned by Brady Worldwide, Inc.

2. The assignment details of applicant's prior application 11/325,052 at the time of filing and currently.

The owner of the Holt patent application, Brady Worldwide, Inc., does not have any information about the assignment details of the Haas patent. However, the Haas patent is not currently assigned to Brady Worldwide. Thus, there is not proof of common ownership of the Haas patent and Holt patent application.

The Examiner is directed to the Applicants' "Petition for Withdrawal of Abandonment under 37 CFR §1.181" indicating the David Haas ended his affiliation with Brady Worldwide, Inc. before he, of his own accord, filed the Haas patent. It is noted that the Haas patent has a filing date (January 5, 2006) after the filing date (September 30, 2003) of the Holt patent application.

3. Whether the file of applicant's prior application, now U.S. Patent 7263037, contained a reference to this application, S.N. 10/674,882.

The Haas patent does not appear to contain a reference to the Holt patent application.

4. Whether the applicant considers the claims of this application patentable over the claims of 11/325,052 at time of issue.

The Applicants believe that, as the Holt patent application was filed prior to the Haas patent, the Haas patent is not prior art to the Holt patent application. Further, as the Haas patent and the Holt patent application are not commonly owned, there is no double patenting issue. Thus, the Holt patent application should be patentable over the Haas patent.

5. The differences in scope between the claims of this application and those of U.S. Pat. 7263037.

The claims of the Holt patent application and the Haas patent are directed toward the same field of invention. However, the claims are not identical in scope. For instance, the claims of the Haas patent require a protective layer which is not required by the pending claims in the Holt patent application.

6. Whether applicant considers prior application 11/325052 relevant to the examination of this application.

For the reasons stated above with reference to question 4, the Haas patent is not relevant to the examination of the Holt patent application, as the Haas patent is not proper prior art nor is commonly owned.

However, it is noted that the Holt patent application may be relevant to the validity of the Haas patent.

7. Whether applicant considers this application relevant to the issues in 11/325052.

Given the disclosure of the Holt patent application and its earlier priority date, the validity of the Haas patent is certainly called into question.

8. Whether this application contains a reference to the prior application 11/325,052.

No reference was made in the Holt patent application to the Haas patent and/or application, because the Haas patent was filed after the Holt patent application. Again, it is respectfully noted that the Holt patent application was filed September 30, 2003, while the Haas patent was filed on January 5, 2006.

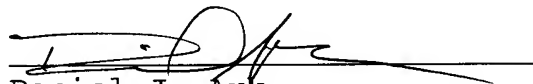
Conclusion

No fees are believed to be due with this response. However, in the event that any fees are due, please charge them to Deposit Account 17-0055.

Respectfully submitted,

Dated: March 3, 2009

By:

A handwritten signature in black ink, appearing to read "Daniel J. Ark", is written over a horizontal line.

Daniel J. Ark
Registration No. 60,978
Quarles and Brady LLP
411 East Wisconsin Ave.
Milwaukee, WI 53202
(414) 277-3061